

ENTERED

March 15, 2017

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE: BP ERISA LITIGATION

MDL No. 4:10-md-2185

Civil Action No. 4:10-cv-04214

Hon. Keith P. Ellison

FINAL JUDGMENT

On October 30, 2015 this Court issued a memorandum and order (Doc.212) granting Defendants' Partial Motion to Dismiss the First Amended Consolidated ERISA Complaint. Remaining after entry of that order was a claim brought against Defendants McKay, Shaw, and Dupree, which the Court had allowed to proceed but had certified for interlocutory review by the United States Court of Appeals for the Fifth Circuit (Doc. 178).

On September 26, 2016, the Fifth Circuit reversed this Court's ruling on that claim and found that claim insufficient as a matter of law. *Whitley v. BP, P.L.C.*, 838 F.3d 523 (5th Cir. 2016) (Docs. 224, 225). On March 8, 2017, this Court issued a further memorandum and order denying Plaintiffs' Motion for Leave to File an Amended Complaint (Doc. 240).

Based on the facts, analysis, and conclusions of law set forth in the memoranda and orders of this Court and those of the United States Court of Appeals for the Fifth Circuit cited above, the Court renders judgment for Defendants and declares that:

1. This case is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted; and

2. All costs are taxed against the parties incurring same.

This is a FINAL JUDGMENT.

SIGNED ON 14 March 2017.


U.S. DISTRICT JUDGE